

R E M A R K S

Claims 1 to 13 and 17 to 20 as set forth in Appendix I of this paper are now pending in this case. Claims 14 and 15 have been canceled, Claims 2, 7 and 8 have been amended, and Claims 17 to 20 have been added as indicated.

Applicants have revised Claim 2 to remove the reference to preferred ranges. The respective embodiments have been made the subject matter of new Claims 17 and 18. Additionally, applicants have replaced the reference to Claim 5 in the definition of R<sup>1</sup> and R<sup>2</sup> provided in Claims 7 and 8 by the radicals enumerated in Claim 5 in the corresponding definition. New Claims 19 and 20 which depend upon Claims 7 and 8, respectively, further specify the nature of R<sup>1</sup> and R<sup>2</sup> corresponding to the definition provided in Claim 6. No new matter has been added.

Claims 14 and 15 have been canceled in light of the Examiner's requirement to elect, and to restrict the application to, one of the following groups of claims:

- I. Claims 1 to 11 drawn to a hydroformylation process;
- II. Claims 12 and 13, drawn to the catalyst employed in the hydroformylation process;
- III. Claim 14, drawn to a process for preparing 2-propylheptanol; and
- IV. Claim 15, drawn to a process for preparing an ester mixture.

Applicants reserve the right to pursue the canceled subject matter in a Divisional application.

With regard to the Examiner's election requirement, applicants herewith elect Claims 1 to 11 grouped in I. New Claims 17 to 20 depend, either directly or indirectly, upon one of the elected claims. The new claims should, therefore, be grouped together with the elected claims.

The Examiner contends that the inventions defined in the claims of group I. and in the claims of group II. are distinct under the provisions set forth in MPEP §806.05(h) asserting that the instant hydroformylation process can be practiced with another and materially different catalyst and citing *US 4,687,874* in support of the assertion.

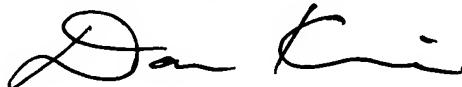
However, MPEP §806.05(h) clearly states that "the process of using as claimed can be practiced with another materially different

*product*" (emphasis added). As claimed in Claim 1, applicants' hydroformylation process requires that "a catalyst comprising at least one complex of a metal of transition group VIII of the Periodic Table of the Elements with ligands which each have a phosphorus group and at least one functional group which is capable of forming intermolecular noncovalent bonds, wherein the complex has ligands which are dimerized via intermolecular noncovalent bonds and wherein the distance between the phosphorus atoms of the dimerized ligands is at most 5 Å" be employed, and Claim 12 relates to the "catalyst as defined in claim 1". Applicants' process as claimed can, therefore, not be practiced with a catalyst which is materially different from the catalyst which is defined in applicants' Claim 12. The Examiner's position that the the inventions defined in the claims of group I. and in the claims of group II. are distinct under the provisions set forth in MPEP §806.05(h) is therefore not deemed to be well taken. Traversal of the Examiner's respective restriction requirement is respectfully solicited.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 11.0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

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Encl.: THE LISTING OF CLAIMS (Appendix I)

HBK/BAS